

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)
KELLOGG COMPANY, GENERAL)
MILLS, INC., and NESTLÉ USA, INC.,)
)
Plaintiffs,) No. 1:11-cv-08808
)
v.) Judge Steven C. Seeger
)
UNITED EGG PRODUCERS, INC.,)
UNITED STATES EGG MARKETERS,)
INC., CAL-MAINE FOODS, INC., and)
ROSE ACRE FARMS, INC.)
)
Defendants.)

PLAINTIFFS' EVIDENCE OF SELLING

EGGS AT A LOSS OVERSEAS

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In response to this Court's request, Plaintiffs submit the following list of exhibits and testimony demonstrating the conspiracy's practice of selling eggs for a loss overseas in order to raise domestic prices.

1. Exhibits

- a. **Ex. 555** (UEP stating that “the loss (difference between sale price and cost) will be by far the largest” and that producers receiving an invoice for their share in the loss should “remember the benefit this export provided”).
- b. **Ex. 374** (UEP stating companies “will incur a sizable loss on their committed share” and that the “greater the loss, the better the export”).
- c. **Ex. 189** (UEP stating that producers “did what [they] intended and that was to improve domestic prices” and showing that price when negotiating export was far lower than the price after the export was completed).
- d. **Ex. 694** (UEP stating, “The reason for taking an export is to improve U.S. domestic market conditions” and that “the invoice for the loss will be rather large”).
- e. **Ex. 356** (stating that Urner Barry quote was “\$1.04 on the date you approved this export sale” and that 30-cent rise during delivery meant “this export was of great economic value” to industry).
- f. **Ex. 367** (UEP stating when producers “commit[] to sharing the costs with your fellow producers, everyone benefits from a rise in the domestic market quote on all your eggs”)
- g. **Ex. 80** (UEP stating that the “quote rose by 40 cents per dozen during the period of this export” and that UEP had “real difficulty buying eggs for this export”).
- h. **Ex. 279** (UEP stating that members “incurred an export loss” but realized “increased revenue” over a 17-week period).

- i. **Ex. 242** (UEP stating that the benefit of an export was industry-wide revenue of 30 million dollars during the export period).

2. Testimony

- a. **Attachment A: Tr. 1168:10-23** (Baker confirming that “los[ing] money on the [export] . . . would be a win-win . . . [because domestic prices] would increase”)
- b. **Attachment A: Tr. 1215:21-1216:12** (Baker confirming that “to fill their export order egg quota, [producers] were required to purchase [eggs] . . . sometimes at a price that was higher than they would be selling the eggs for on the market”)
- c. **Attachment B: Tr. 1514:17-1515:14** (Baker confirming an export that “cost each member 45.2 cents per dozen” but the benefit was improved domestic prices)
- d. **Attachment B: Tr. 1506:15-1508:14** (Baker confirming “the largest [loss] USEM has ever experienced,” where the conspiracy “[had] to beg producers to pack eggs for us,” but “the benefit would be the increased prices of eggs in the U.S. market”)

November 13, 2023

Respectfully submitted,

*Counsel for Plaintiffs Kraft Foods Global, Inc.,
General Mills, Inc., Nestlé USA, Inc. and The
Kellogg Company*

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